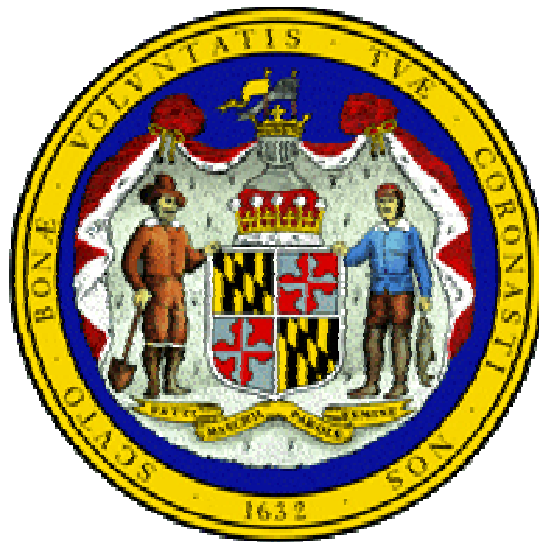


# **Drug Courts**

## **Frequently Asked Questions (FAQs)**



## TABLE OF CONTENTS

Where can I find information about the Montgomery County Drug Courts? .....	3
What is the Mission of the Adult Drug Court? .....	3
What is the Mission of the Juvenile Drug Court? .....	3
What Are Drug Courts? .....	4
Who May Make Referrals to Drug Court? .....	6
Is the Program Voluntary? .....	6
Who is Eligible for Drug Court Enrollment? .....	6
Is There a Special Docket for Drug Court Cases? .....	7
Are There Fees for This Program? .....	7
How is the Program Structured? .....	7
What is Required to Graduate From the Drug Court Program? .....	8
Can Drug Court Participants be Terminated From the Program After Enrollment? .....	8
Which Agencies Are Partnered with the Circuit Court in This Program? .....	8
How Else Do Drug Courts Differ from Traditional Courts? .....	9
What Other Information is Available? .....	9

## **Drug Courts Frequently Asked Questions (FAQs)**

To promote a more thorough understanding of Drug Courts and how the Circuit Court for Montgomery County's Drug Courts will operate, we are providing you with the following answers to some frequently asked questions.

### **Where can I find information about the Montgomery County Drug Courts?**

Information on both the Juvenile and Adult Programs may be found on the court's website at:

<http://www.montgomerycountymd.gov/mc/judicial/circuit/drugcourt/>

Or, by contacting our Drug Court Coordinator, Ms. Samantha Lyons, at:

Ms. Samantha Lyons  
Drug Court Coordinator  
50 Maryland Avenue  
Rockville, MD 20850  
Phone: 240-777-9141  
Fax:: 240-777-9117  
Email: [slyons@mcccourt.com](mailto:slyons@mcccourt.com)

### **What is the Mission of the Adult Drug Court?**

*To eliminate drug abuse, crime, and their consequence, by forging continuing partnerships with the court, health treatment providers, concerned community organizations and law enforcement. Leveraging its partnerships and authority, the court will direct substance-abusing offenders into evaluation and treatment to achieve personal responsibility and productive citizenship.*

### **What is the Mission of the Juvenile Drug Court?**

*To reduce substance abuse and delinquent conduct among youthful offenders by providing them and their families with intensive, comprehensive and individualized services. By helping participants reach their full potential as valued community members, we will build a stronger, safer community.*

## What Are Drug Courts?

A drug court can be defined as "a special court given the responsibility to handle cases involving drug-addicted offenders through an extensive supervision and treatment program. ([National Association of Drug Court Professionals](#), 2001). In Montgomery County, our Drug Courts are collaborative partnerships sponsored by the Montgomery County Circuit Court with other law enforcement agencies, the health treatment system, and program participants to end the cycle of addiction that leads to crime.

Through a multi-phased, intensive treatment and supervision program, criteria-eligible offenders in violation of the terms of their probation are enrolled in the drug court, and continued on conditions of probation that reflect the highly intensive interventions of the Drug Court. Through combinations of intensive treatment, case management, regular court appearances, drug use monitoring, and community participation, participants are given an opportunity to engage in a therapeutic process to end their abuse of alcohol and other addictive substances, and to avoid new entries to the criminal justice system. Through the effective intervention of the Drug Court Team, program participants can live as contributing, productive members of their communities.

## Why Develop A Drug Court? What Problems Does a Drug Court Address?

The problems associated with alcohol and drug dependent offenders are familiar to every criminal justice practitioner, health treatment professional, and to many of our own citizens. High rates of re-arrest, fragmented approaches to treatment, a focus on punishment rather than rehabilitation for non-compliant probationers, and a lack of capacity for rapid response to conditions that might interrupt the process of recovery, contribute to a well documented "revolving door" that returns alcohol and drug-dependent offenders to the court for subsequent offenses. The Montgomery County Drug Court Program adopts a new model with a focus on collaboration and team decision-making that more strongly reflects the therapeutic and supervision needs of each program participant to address the following problems:

1. **Substance abuse and drug related recidivism** by offenders who are in violation of the conditions of their probation, and who are at risk to continue their criminal activities if they are not successfully rehabilitated from their alcohol and other drug dependencies. Through the successful implementation of its Drug Court Program, the court will deliver a continuum of treatment, habilitation, and supervision services to successfully support the offender toward full and permanent recovery.
2. **A reliance on incarceration, or other negative sanctions, as a primary response to Violations of Probation.** Through the adoption of its Drug Court

Program, the Court adopts a model of *therapeutic jurisprudence* that promotes the idea that the law is a therapeutic agent; positive therapeutic outcomes are important judicial goals; and the design and operation of the courts can influence therapeutic outcomes.<sup>1</sup> Through its emphasis on treatment, the Drug Court will promote a new model for rehabilitation intended to promote community safety through effective interventions that end the cycle of addiction. Incarceration will be used as one tool, among many, to sanction participants struggling to meet the high expectations of the Drug Court Program.

3. **Fragmented approaches to treatment and supervision.** Traditionally, law enforcement, the courts and the health treatment community have operated through a “silo” approach that insulates them from shared accountability and misses opportunities to leverage the unique strengths of each stakeholder in the system to promote offender-recovery from addiction. The Montgomery County Drug Court model overcomes that fragmentation by operating from a multi-agency team approach to enhance, strengthen and complement the contributions of each member of the team. Members of the team, regardless of their assigned agency, will share a common mission, promote the unified achievement of common goals and objectives, and maintain a shared accountability for success. Through a unified approach to treatment, supervision, and enforcement, the Drug Court is strongly positioned to tailor treatment to the needs of the offender, respond rapidly to conditions that require the immediate attention of the Drug Court team, and to actively engage in the entire case/offender management process through system-wide collaboration.
4. **A lack of capacity to respond rapidly to conditions that might interrupt the process of recovery.** The Drug Court is a multi-phased program that requires weekly meetings with a participant’s Case Manager, weekly attendance at Drug Court, individual therapy, random urinalysis, and attendance at group N/A, A/A meetings. Through intensive supervision, weekly meetings of the Drug Court Team, and weekly access to the Judge, the Drug Court eliminates the problem of delay that is so prevalent in traditional approaches to case processing. At any point in time, a Drug Court participant is no longer than a week away from a court appearance. Through a model of intensive supervision and treatment that is continuously monitored, the Drug Court can respond rapidly to situations that require the intervention of the drug court team, or the court.

To effectively overcome these known barriers to success requires a new model for collaboration, service delivery partnerships and a common vision across agencies and services. As a result, the Montgomery County Circuit Court has partnered with other agencies to leverage their support, commitment, and resources to the successful implementation of the Drug Court Program and the operations of the Drug Court Team.

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<sup>1</sup> U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance. *Juvenile Drug Courts: Strategies in Practice*. March, 2003.

## **Who May Make Referrals to Drug Court?**

Referrals may come from a number of sources including the Department of Parole and Probation or other agencies, the sentencing judge, the State's Attorney's Office, defendant's counsel, or from other sources where there is an indication that the defendant meets the program's eligibility criteria.

If you would like to have a defendant evaluated for possible entry to the Drug Court Program, please contact Ms. Samantha Lyons, our Drug Court Coordinator.

## **Is the Program Voluntary?**

Yes. Defendants must sign an Agreement to enter the Drug Court Program. In addition, Defendants must sign the appropriate Consent (Waiver) on the Disclosure of Information. Both documents may be reviewed at the Court's website.

## **Who is Eligible for Drug Court Enrollment?**

Offenders eligible for the Adult Drug Court Program must be residents of Montgomery County who are:

- Charged with a Violation of Probation (VOP) from a Circuit Court sentence;
- Subject to at least 18 months of probation;
- Non-Violent;
- Assessed as a substance abuser; and,
- Physically, emotionally, and mentally capable of participating in Drug Court activities and programs.

Respondents eligible for the Juvenile Drug Court Program must be residents of Montgomery County who are:

- Between the ages of 14 and 17 years, 3 months;
- Charged/on the verge of being petitioned for a Violation of Probation (VOP) having been previously adjudicated delinquent;
- In, or in need of, intensive out-patient drug treatment;
- Not currently on probation for /have not been adjudicated delinquent for a crime of violence as defined by Maryland Criminal Law Article, Section 14-101.
- Assessed as a substance abuser;
- Unable to stay clean and sober; and are,
- Physically, emotionally, and mentally capable of participating in Juvenile Substance Abuse Treatment Court activities and programs.

## **Is There a Special Docket for Drug Court Cases?**

Yes. Drug Courts operate from their own dockets and only drug court cases will be heard on those dockets.

## **Are There Fees for This Program?**

Depending on the phase of the Program fees / fines may be part of the conditions of probation. However, while fines may be collected, no one will be denied participation due to an inability to pay fees.

## **How is the Program Structured?**

The Montgomery County Drug Court will be designed as a post-sentencing program for offenders charged with a violation of the conditions of their probation (VOPs). Participants must meet the eligibility requirements for entry to the Drug Court program and must have a verifiable history of substance abuse. Procedurally, offenders are charged with a violation of the conditions of their probation and are referred to the Drug Court Program for an assessment of program eligibility.

Offenders who enter the Drug Court program are continued on special conditions of probation that appropriately support the goals of recovery and rehabilitation for program participants. Placed under the supervision of the Drug Court Program, enrollees consent to participate in a structured, three-phase program that involves treatment, urinalysis, case management sessions, individual treatment, mandatory attendance at N/A, A/A sessions and other program-related requirements for a period that ranges from 9-18 months. Once enrolled in the Program, Drug Court participants will be subject to all of the conditions of probation recommended by the Drug Court team, and approved by the Drug Court Judge.

Both the juvenile and adult Drug Courts operate in teams ... that is, there are weekly meetings to review the progress of each participant in the program and to make recommendations to the judge on how best to meet the needs of offenders enrolled in the Program. The Teams consist of the Drug Court Judge, the Case Managers, representatives from the State's Attorney's Office and the Office of the Public Defender, the Drug Court Coordinator, and, as appropriate, the Division of Parole and Probation (or, in juvenile court, the Department of Juvenile Services) and health treatment representatives. Cases are reviewed weekly by the Drug Court Team in preparation for the weekly Drug Court sessions.

## **What is Required to Graduate From the Drug Court Program?**

To Graduate, participants must:

- Successfully complete all of the program and probation requirements including all restitution and costs;
- Satisfactorily complete community service and other program assignments;
- 180 continuous days of clean urinalysis; (60 days in the Juvenile Program)
- Receive a positive recommendation for graduation by the Drug Court team;
- Receive the approval of the Drug Court Judge;
- Complete an aftercare plan with the case manager.

## **Can Drug Court Participants be Terminated From the Program After Enrollment?**

Yes. Enrollment and participation in the Montgomery County Adult Drug Court is an opportunity for an offender to overcome his/her dependence on drugs and/or alcohol. Through successful completion of the Drug Court program, offenders will overcome their addiction and avoid future criminal activity. Offenders may be disqualified from program entry, continuation, or graduation if it is in the interests of the community, and / or the credibility of the Drug Court Program to do so. Although it is difficult to identify every circumstance that may lead to program disqualification, examples include:

- Committing a crime of violence, or the Drug Court becoming aware of behavior that is violent or threatening to the safety of others;
- Co-occurring disordered individuals whose mental illness is so severe to prevent active and full participation in the Drug Court Program;
- A demonstrated lack of capacity or willingness to engage in treatment and comply with the conditions of probation imposed by the Drug Court;
- Continuing criminal activity while under the supervision of the Drug Court;
- Acts of violence while under the supervision of the Drug Court Program. Special emphasis will be placed on any violence, or threats of violence, that occur in the participant's home, place of work, or at treatment centers/programs.

## **Which Agencies Are Partnered with the Circuit Court in This Program?**

Our Drug Court Program is a collaborative effort among multiple agencies. The Drug Court Teams consist of the Drug Court Judge, the Drug Court Coordinator, and representatives from the Departments of Health and Human Services, Parole and Probation, Correction and Rehabilitation, the Office of the State's Attorney, the Public Defender's Office, and, in the case of the Juvenile Court Program, the Department of Juvenile Services and private treatment providers.

In addition, each Drug Court has a Steering Committee that extends its operating partnerships to the Montgomery County Department of Police, The Sheriff's Office, the University of Maryland, the Montgomery County Public Schools, the Sixth District Court of Maryland, and the Drug Treatment Court Commission of the Administrative Office of the Courts. Specific member-agency representation on each committee can be found in the Policies and Procedures Manuals available through the court's website.

## **How Else Do Drug Courts Differ from Traditional Courts?**

Drug courts are offender-focused habilitation models that recognize the powerful influence of substance abuse as a driver of behavior. Recognizing that recovery from addiction is vital to community safety and individual accountability, the Montgomery County Drug Courts leverage several characteristics their foundation for participant support toward recovery:

- Unique involvement by the Drug Court Judge;
- A non-adversarial, collaborative approach to treatment;
- Weekly meetings of the Drug Court Team to review cases;
- Weekly dockets dedicated to Drug Court cases;
- Recognition, reward and positive reinforcement for progress; and,
- The rapid imposition of negative sanctions as motivators to improve compliance and to modify negative behaviors.

To promote the interests of the offender, and the community in which he/she lives, the Montgomery County Drug Court will provide an alternative to traditional case processing and disposition that emphasizes the value of:

- **Collaborative treatment planning** and case management;
- **Dedicated leadership and professional resources** who are well-informed on the cycle of addiction and its consequences;
- **Positive reinforcement and rapid response** to success;
- **Graduated sanctions** as vital to the support and reinforcement of the adopted treatment interventions and to motivate compliance with the requirements of the program;
- **Longer-term treatment and sanctioning models** that have a reasonable tolerance for relapse that is consistent with the recovery process; and,
- **Integrated treatment planning with judicial decision-making.**

## **What Other Information is Available?**

The Court's website includes additional information for your review, including the Policies and Procedures Manuals for each program, Participant Handbooks, Consent Forms and Defendant Agreement Forms.